



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 09/874,504

Filing Date: June 5, 2001

Applicant: Tugrul, et al.

Group Art Unit: 1761

Examiner:

Title: CYCLOOXYGENASE-2 INHIBITOR COMPOSITIONS HAVING
RAPID ONSET OF THERAPEUTIC EFFECT

Attorney Docket: 6794S-000005/COA

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DEC 10 2001

TC 1700

Hon. Commissioner of Patents and Trademarks
Washington, D.C. 20231

INFORMATION DISCLOSURE STATEMENT

Sir:

Pursuant to 37 C.F.R. §§ 1.56, 1.97 and 1.98, Applicant hereby submits an Information Disclosure Statement for consideration by the Examiner.

I. LIST OF PATENTS, PUBLICATIONS, AND OTHER INFORMATION

The patents, publications and other information submitted for consideration by the Office (except unpublished U.S. patent applications) are listed on Form 1449 attached hereto.

II. COPIES

a. X Submitted herewith is a legible copy of (i) each U.S. patent application publication, U.S. and foreign patent; (ii) each publication or that portion which caused it to be listed; (iii) for each cited pending U.S. application, the application specification including the claims, and any drawing of the application which caused it to be listed including the claims directed to that portion and (iv) all other information or that portion which caused it to be listed.

b. ____ Any patents, publications or other information which are listed on Form 1449 or on the copies of PTO-892, but which are not enclosed herewith, were previously

cited by or submitted to the PTO in one of the following applications which has been relied upon for an earlier filing date under 35 U.S.C. § 120:

U.S. Serial Number

U.S. Filing Date

III. CONCISE EXPLANATION OF THE RELEVANCE (check at least one box)

a. X Except as may be indicated below in (b), all of the patents, publications or other information are in the English language (concise explanation not required).

b. ____ A concise explanation of the relevance of each patent, publication or other information listed that is not in the English language is as follows (see 37 C.F.R. § 1.98(a)(3)):

c. ____ The following additional information is provided for the Examiner's consideration.

IV. CROSS REFERENCE TO RELATED APPLICATION(S)

a. ____ The Examiner is advised that the following co-pending application(s) contain(s) subject matter that may be related to the present application. By bringing this(these) application(s) to the Examiner's attention, Applicant(s) does(do) not waive the confidentiality provisions of 35 U.S.C. § 122.

Serial No.

Filing Date

Art Unit

V. THIS IDS IS BEING FILED UNDER

a. X 37 C.F.R. § 1.97(b): (check only one box)

1. ____ within three months of the filing date of a national application other than a continued prosecution application under § 1.53(d) (37 C.F.R. § 1.97(b)(1)). No fee or certification is required.

2. ____ within three months of the date of entry of the national stage as set forth in §1.491 in an international application (37 C.F.R. § 1.97(b)(2)). No fee or certification is required.

3. X before the mailing of a first Office action on the merits (37 C.F.R. § 1.97(b)(3)). No fee or certification is required. In the event that a first Office Action on the merits has been issued, please consider this IDS under 37 C.F.R. § 1.97(c) and see the certification under 37 C.F.R. § 1.97(e) below; or, if no certification has been made, charge our deposit account a fee in the amount of \$180.00 as required by 37 C.F.R. § 1.17(p).

4. ____ before the mailing of a first Office action after the filing of a request for continued examination under 37 C.F.R. § 1.114. No fee or certification is required.

b. ____ 37 C.F.R. § 1.97(c): (check only one box)

- before the mailing date of either any Final Office Action under 37 C.F.R. § 1.113, a Notice of Allowance under 37 C.F.R. § 1.311, or an action that otherwise closes prosecution.

1. X No certification; therefore, a fee in the amount of \$180.00 is required by 37 C.F.R. § 1.17(p).

2. ____ See the certification below. No fee is required.

c. ____ 37 C.F.R. § 1.97(d):

- after the mailing date of either a Final Office Action under 37 C.F.R. § 1.113 or a Notice of Allowance under 37 C.F.R. § 1.311, yet on or before payment of the issue fee.

1. ____ See the certification below. A fee in the amount of \$180.00 is required by 37 C.F.R. § 1.17(p).

VI. CERTIFICATION UNDER 37 C.F.R. § 1.97(e): (check only one box)

The undersigned hereby certifies that:

a. X each item of information contained in this IDS was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS (See 37 C.F.R. § 1.97(e)(1)); or

b. ____ no item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this IDS (See 37 C.F.R. § 1.97(e)(2)).

c. ____ Some of the items of information were first cited in any communication from a foreign patent office. As to this information, the undersigned hereby certifies that each item of information contained in this IDS was cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby certifies that no item of this remaining information contained in this IDS was cited in a communication from a foreign patent office in a counterpart

foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this IDS.

VII. PAYMENT OF FEES (check only one box)

a. ☐ A check in the amount of \$180.00 is enclosed for the above-identified fee.

b. ☐ Please charge Deposit Account No. 08-0750 in the amount of \$180.00 for the above-indicated fee. A duplicate copy of this paper is attached.

The above references are being cited only in the interest of candor and without any admission that they constitute statutory prior art, contain matter which anticipates the invention, or which would render the same obvious, either singly or in combination, to a person of ordinary skill in the art. Furthermore, this Information Disclosure Statement shall not be construed as a representation that a search has been made.

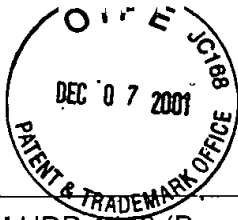
If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule (with a petition if necessary) and charge the appropriate fee to Deposit Account No. 08-0750.

Please charge any additional fees or credit any overpayment pursuant to 37 C.F.R. § 1.16 or § 1.17 to Deposit Account No. 08-0750.

Respectfully submitted,

Dated: 11/02/01
HARNESS, DICKEY & PIERCE, P.L.C.
7700 Bonhomme, Suite 400
St. Louis, Missouri 63105
(314) 726-7500

By: Donald R. Holland
Donald R. Holland, Ph.D.
Reg. No. 35,197



FORM HDP-1449 (Based on Form PTO-1449)

**PATENT AND TRADEMARK OFFICE
INFORMATION DISCLOSURE CITATION**

(Use several sheets if necessary)

Sheet 1 of 8

ATTORNEY DOCKET NO.

SERIAL NO.

6794S-00005/COA

09/874,504

APPLICANT

Tugrul

FILING DATE

GROUP

06/05/2001

1761

U.S. PATENT DOCUMENTS

Ref. Desig.	Examiner's Initials	Document Number	Date	Name	Class/ Subclass	(If appropriate) Filing Date
1.		5,145,684	09/08/1992	Liversidge, et al.		
2.		5,344,991	09/06/1994	Reitz, et al.		
3.		5,380,738	01/10/1995	Norman, et al.		
4.		5,384,124	01/24/1995	Courteille, et al.		
5.		5,393,790	02/28/1995	Reitz, et al.		
6.		5,401,765	03/28/1995	Lee		
7.		5,418,254	05/23/1995	Huang, et al.		
8.		5,420,343	05/30/1995	Koszyk, et al.		
9.		5,434,178	07/18/1995	Talley, et al.		
10.		5,436,265	07/25/1995	Black, et al.		
11.		5,466,823	11/14/1995	Talley, et al.		
12.		5,474,995	12/12/1995	Ducharme, et al.		
13.		5,475,018	12/12/1995	Lee, et al.		
14.		5,486,534	01/23/1996	Lee, et al.		
15.		5,510,368	04/23/1996	Lau, et al.		
16.		5,521,213	05/28/1996	Prasit, et al.		
17.		5,536,752	07/16/1996	Ducharme, et al.		
18.		5,543,297	08/06/1996	Cromlish, et al.		
19.		5,547,975	08/20/1996	Talley, et al.		
20.		5,550,142	08/27/1996	Ducharme, et al.		
21.		5,552,422	09/03/1996	Gauthier, et al.		

Examiner:

Date Considered:

EXAMINER: Please initial if citation considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



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Sheet 2 of 8

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U.S. PATENT DOCUMENTS

Ref. Desig.	Examiner's Initials	Document Number	Date	Name	Class/ Subclass	(If appropriate) Filing Date
22.		5,585,504	12/17/1996	Desmond, et al.		
23.		5,593,992	01/14/1997	Adams, et al.		
24.		5,596,008	01/21/1997	Lee		
25.		5,604,253	02/18/1997	Lau, et al.		
26.		5,604,260	02/18/1997	Guay, et al.		
27.		5,616,458	04/01/1997	Lipsky, et al.		
28.		5,616,601	04/01/1997	Khanna, et al.		
29.		5,620,999	04/15/1997	Weier, et al.		
30.		5,633,272	05/27/1997	Talley, et al.		
31.		5,633,372	05/27/1997	Rajagopalan, et al.		
32.		5,639,780	06/17/1997	Lau, et al.		
33.		5,643,933	07/01/1997	Talley, et al.		
34.		5,658,903	08/19/1997	Adams, et al.		
35.		5,668,161	09/16/1997	Talley, et al.		
36.		5,670,510	09/23/1997	Huang, et al.		
37.		5,677,318	10/14/1997	Lau		
38.		5,681,842	10/28/1997	Dellarie, et al.		
39.		5,686,460	11/11/1997	Nicholai, et al.		
40.		5,686,470	11/11/1997	Weier, et al.		
41.		5,696,143	12/09/1997	Talley, et al.		

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Sheet 3 of 8

ATTORNEY DOCKET NO.

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08/874,504

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U.S. PATENT DOCUMENTS

Ref. Desig.	Examiner's Initials	Document Number	Date	Name	Class/ Subclass	(If appropriate) Filing Date
42.		5,710,140	01/28/1998	Ducharme, et al.		
43.		5,716,955	02/10/1998	Adams, et al.		
44.		5,723,485	03/03/1998	Gungor		
45.		5,739,166	04/14/1998	Reitz, et al.		
46.		5,741,798	04/21/1998	Lazer, et al.		
47.		5,756,499	05/26/1998	Adams, et al.		
48.		5,756,529	05/26/1998	Isakson, et al.		
49.		5,776,967	07/07/1998	Kreft, et al.		
50.		5,783,597	07/21/1998	Beers, et al.		
51.		5,789,413	08/04/1998	Black, et al.		
52.		5,807,873	09/15/1998	Nicolai, et al.		
53.		5,817,700	10/06/1998	Dube, et al.		
54.		5,830,911	11/03/1998	Failli, et al.		
55.		5,849,943	12/15/1998	Atkinson, et al.		
56.		5,859,036	01/12/1999	Sartori, et al.		
57.		5,861,419	01/19/1999	Dube, et al.		
58.		5,866,596	02/02/1999	Sartori, et al.		
59.		5,869,524	02/09/1999	Failli		
60.		5,869,660	02/09/1999	Adams, et al.		
61.		5,883,267	03/16/1999	Rossen, et al.		

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	6794S-00005/COA	08/874,504
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06/05/2001	1761	

U.S. PATENT DOCUMENTS						
Ref. Desig.	Examiner's Initials	Document Number	Date	Name	Class/ Subclass	(If appropriate) Filing Date
62.		5,892,053	04/06/1999	Zhi, et al.		
63.		5,922,742	07/13/1999	Black, et al.		
64.		5,929,076	07/27/1999	Adams, et al.		
65.		5,932,598	08/03/1999	Talley, et al.		
66.		5,935,990	08/10/1999	Khanna, et al.		
67.		5,945,539	08/31/1999	Haruta, et al.		
68.		5,958,978	09/28/1999	Yamazaki, et al.		
69.		5,968,958	10/19/1999	Guay, et al.		
70.		5,972,950	10/26/1999	Nicolai, et al.		
71.		5,973,191	10/26/1999	Marnett, et al.		
72.		5,981,576	11/09/1999	Belley, et al.		
73.		5,994,381	11/30/1999	Haruta, et al.		
74.		6,002,014	12/14/1999	Haruta, et al.		
75.		6,004,960	12/21/1999	Li, et al.		
76.		6,005,000	12/21/1999	Hopper, et al.		
77.		6,020,343	02/01/2000	Belley, et al.		
78.		6,020,347	02/01/2000	DeLaszlo, et al.		
79.		6,034,256	03/07/2000	Carter, et al.		
80.		6,040,319	03/21/2000	Corley, et al.		
81.		6,040,450	03/21/2000	Davies, et al.		

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Sheet 5 of 8

ATTORNEY DOCKET NO.

SERIAL NO.

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08/874,504

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FILING DATE

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06/05/2001

1761

U.S. PATENT DOCUMENTS

Ref. Desig.	Examiner's Initials	Document Number	Date	Name	Class/ Subclass	(If appropriate) Filing Date
82.		6,046,208	04/04/2000	Adams, et al.		
83.		6,046,217	04/04/2000	Friesen, et al.		
84.		6,057,319	05/02/2000	Black, et al.		
85.		6,063,804	05/16/2000	De Nanteuil, et al.		
86.		6,063,807	05/16/2000	Chabrier de Lassauniere, et al.		
87.		6,071,954	06/06/2000	LeBlanc, et al.		
88.		6,077,868	06/20/2000	Cook, et al.		
89.		6,077,869	06/20/2000	Sui, et al.		
90.		6,083,969	07/04/2000	Ferro, et al.		
91.		6,096,753	08/01/2000	Spohr, et al.		
92.		6,133,292	10/17/2000	Wang, et al.		

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Ref. Desig.	Examiner's Initials	Document Number	Date	Country	Class/ Subclass	Translation Yes No
1.		00/01380	04/09/1999	WO	A1	X
2.		00/08024	02/17/2000	WO	A1	X
3.		00/10993	03/02/2000	WO	A1	X
4.		00/13684	03/16/2000	WO	A2	X
5.		00/18741	04/06/2000	WO	A2	X
6.		00/23426	04/27/2000	WO	A1	X

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Sheet 6 of 8

ATTORNEY DOCKET NO.

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08/874,504

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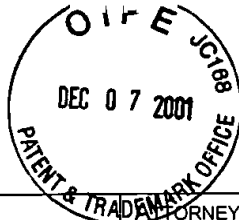
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Ref. Desig.	Examiner's Initials	Document Number	Date	Country	Class/ Subclass	Translation	
						Yes	No
7.		00/24719	05/04/2000	WO	A1	X	
8.		00/26216	05/11/2000	WO	A1		X
9.		00/31072	06/02/2000	WO	A1	X	
10.		00/40087	07/13/2000	WO	A1	X	
11.		00/56348	09/28/2000	WO		X	
12.		99/64415	12/16/1999	WO	A1	X	
13.		99/62884	12/09/1999	WO	A1		X
14.		99/61436		WO			
15.		99/61016	12/02/1999	WO	A1		X
16.		98/47871	10/29/1998	WO	A1		
17.		97/46524	12/11/1997	WO	A1	X	
18.		98/45294	09/15/1998	WO	A1	X	
19.		98/43966	10/08/1998	WO	A1	X	
20.		98/41516	09/24/1999	WO	A1	X	
21.		96/38418	12/05/1996	WO	A1	X	
22.		96/36623	11/21/1996	WO	A1	X	
23.		97/34882	09/25/1997	WO	A1	X	
24.		99/35130	07/15/1999	WO	A1	X	
25.		98/32732	07/30/1998	WO	A1		
26.		96/31509	10/10/1996	WO	A1	X	

Examiner:

Date Considered:

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Sheet 7 of 8

ATTORNEY DOCKET No.

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APPLICANT

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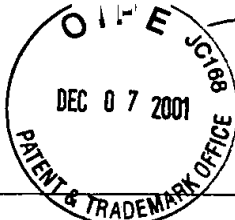
FOREIGN PATENT DOCUMENTS

Ref. Desig.	Examiner's Initials	Document Number	Date	Country	Class/ Subclass	Translation No
27.		97/30030	08/21/1997	WO	A1	X
28.		96/26921	09/06/1996	WO	A1	X
29.		99/25695	05/27/1999	WO	A1	X
30.		97/25048	07/17/1997	WO	A1	X
31.		99/24404	05/20/1999	WO	A1	X
32.		99/23087	05/14/1999	WO	A1	X
33.		98/22457	05/28/1998	WO	A1	
34.		98/21195		WO		
35.		96/19469	06/27/199	WO	A1	X
36.		98/17292	04/30/1998	WO	A1	X
37.		94/15932	07/21/1994	WO	A1	
38.		99/15505	04/01/1999	WO	A1	
39.		99/14205	03/25/1999	WO	A1	X
40.		99/14195	03/25/1999	WO	A1	X
41.		97/13767	04/17/1997	WO	A1	X
42.		97/13755	04/17/1997	WO	A1	X
43.		99/12930	03/18/1999	WO	A1	
44.		99/11605	03/11/1999	WO	A1	X
45.		97/10840	03/27/1997	WO	A1	X
46.		99/10332	03/04/1999	WO	A1	X

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Ref. Desig.	Examiner's Initials	Document Number	Date	Country	Class/ Subclass	Translation	
						Yes	No
47.		99/10331	03/04/1999	WO	A1		
48.		98/07425	02/26/1998	WO	A1	X	
49.		98/06708	02/19/1998	WO	A1	X	
50.		98/04527	02/05/1998	WO	A1		
51.		97/03953	12/21/1999	WO	A1	X	
52.		99/01455	07/04/2000	WO	A1		
53.		99/01452	01/14/1999	WO	A1	X	
54.		99/01131	01/14/1999	WO	A1		
55.		99/01130	01/14/1999	WO	A1	X	
56.		0 863 134	09/09/1996	EP	A1	X	
57.		0 846 689	06/10/1998	EP	A1	X	
58.		0 799 823	10/06/1987	EP	A1	X	

OTHER DOCUMENTS (including Author, Title, Date, Pertinent Pages, etc.)

Ref. Desig.	Examiner's Initials	
59.		The Merck Index, 12 th Edition, Therapeutic Category and Biological Activity Index, lists therein headed "Analgesic", Anti-inflammatory" and "Antipyretic", 1996

Examiner:

Date Considered:

EXAMINER: Please initial if citation considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.